

Domestic violence – comparison of Czech and U. S. legal regulation

Abstract

The aim of the thesis is to introduce legal regulation of domestic violence in Czech Republic and in the United States of America including mutual comparison. The body of this thesis is divided into three main segments.

The first segment defines the issue of domestic violence through characterizing its typical signs, forms and cycle. The second segment focuses on domestic violence in the Czech Republic with concise overview of the current legislation, forms of protection against domestic violence provided by the private law (especially the legislation within the Civil Code and the Act on Special Judicial Procedures). Following is the introduction to legislation on protection from domestic violence as defined in the Criminal Law.

As it is not possible to subsume the phenomenon of domestic violence under a singular substance of criminal offense, the scope of this segment includes analysis of a variety of such substances that are applicable during criminal offense investigation. The characterization of these substances is based on the system of the special part of the Czech Criminal Code. Therefore, the substances of criminal offenses against human life and health are analyzed first, followed by offenses against personal freedom and against human dignity in sexual context, offenses against family and children and lastly the offenses affecting coexistence of people.

The third segment is devoted to the domestic violence legislation of the United States of America beginning with a brief description of development of awareness on domestic violence phenomenon within the American society. Then it focuses on most important federal legislation in the field of protection from domestic violence and closing on example of such legislation in the state of California accenting provisions of the Criminal Law.

The conclusion of this thesis consists of the most important findings regarding the legislation on domestic violence both in the Czech Republic and the United States of America, mutual comparison, pointing out their differences and suggesting the possible improvements of each legislation based on (in some cases) mutual inspiration.